

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant: Ulrich Bonne et al. Confirmation No.: 8299
Serial No.: 10/671,930 Examiner: Keri A. Moss
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For: PHASED MICRO ANALYZER III, IIIA
Docket No.: H0004978-1100.1208101

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

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Lynn Thompson

March 28, 2008
Date

In response to the Notification of Non-Compliant Appeal Brief mailed February 28, 2008, Appellants hereby submit this response. The Notification indicated that section III of the brief does not identify the correct claims that are on appeal. The corrected section III is provided below, with an updated listing of claims. The change is to correctly list claims 1-10 and 22-30 as being on appeal, with claims 11-21 and 31-42 as being withdrawn.

III. STATUS OF CLAIMS

Claims 1, 2, 5, 6, 22-24, and 28-30 stand finally rejected under 35 U.S.C. §103(a) as being unpatentable over Bonne et al. (U.S. Patent No. 6,393,894). Claims 3, 4, 8-10, and 25-27 stand finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Bonne et al. in view of Kubisiak et al. (U.S. Patent No. 6,169,965). Claims 11-21 and 31-42 are withdrawn as being directed to a non-elected invention. All examined claims, namely claims 1-10 and 22-30, are being appealed.

VIII. CLAIMS APPENDIX

1. A fluid sensor comprising:
 - a concentrator;
 - a separator connected to the concentrator;
 - a phased heater array having a first plurality of heating elements situated in the concentrator and a second plurality of heating elements situated in the separator, wherein the concentrator heating elements and separator heating elements are in a pre-arranged pattern;
 - a ratio control mechanism for changing the ratio of concentrator heating elements relative to separator heating elements, the ratio control mechanism connected to the phased heater array; and
 - at least a first detector connected to either the concentrator or the separator.
2. The sensor of claim 1, wherein the first detector is connected to the separator; the fluid sensor further comprising a micro discharge mechanism proximate to the first detector.
3. The sensor of claim 2, further comprising a second detector connected to the concentrator.
4. The sensor of claim 3, further comprising a flow sensor connected to the concentrator and the separator.
5. The sensor of claim 4, further comprising a processor connected to the detectors, concentrator, flow sensor, separator and micro discharge mechanism.
6. The sensor of claim 5, wherein the processor comprises switches and control logic.

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7. The sensor of claim 6, wherein the switches and control logic are situated on a first board.
8. The sensor of claim 7, wherein the concentrator, separator and phased heater array are situated on a second board.
9. The sensor of claim 8, wherein the first board and second board are connected to each other.
10. The sensor of claim 9, wherein the first board and the second board are connected via solder bumps and/or wire-bonds.
22. A fluid sensor comprising:
 - a concentrator having a first plurality of heater elements;
 - a separator having a second plurality of heater elements corresponding to the number of concentrator heater elements;
 - a controller connected to the concentrator and separator; and
 - a detector connected to either the concentrator or separator; andwherein a ratio of the concentrator heater elements to the separator heater elements may be changed via the controller.
23. The sensor of claim 22, wherein the concentrator may be a pre-concentrator.
24. The sensor of claim 23, further comprising at least one discharge device proximate to the separator and connected to the controller.
25. The sensor of claim 23, wherein:

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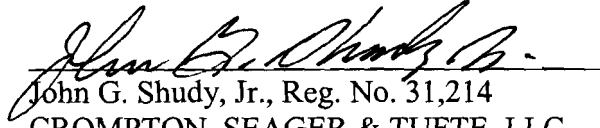
the concentrator and separator are on a first chip; and
the controller is on a second chip connected to the first chip.

26. The sensor of claim 25, wherein the first and second chips are connected via wire-bonds.
27. The sensor of claim 25, wherein the first and second chips are connected via solder-bumps.
28. The sensor of claim 24, further comprising at least one thermal-conductivity detector connected to the controller.
29. The sensor of claim 28, further comprising at least one flow sensor connected to the controller.
30. The sensor of claim 24, wherein the heater elements apply heat in a sequential phased manner to the concentrator.

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Respectfully Submitted,

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